



Agenda Date: 12/19/12
Agenda Item: VIIA

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

RIPAC, LLC, D/B/A RIPLEY'S BELIEVE IT OR NOT,)	ORDER ADOPTING INITIAL
Petitioner)	DECISION AND
)	SETTLEMENT
V.)	
)	
ATLANTIC CITY ELECTRIC COMPANY,)	BPU DKT. NO. EC11040209U
Respondent)	OAL DKT. NO. PUC6281-11
)	

Parties of Record:

Edward O. Lind, III, Esq., on behalf of Petitioner, RIPAC, LLC. d/b/a Ripley's Believe it or Not
Renee E. Suglia, Esq., on behalf of Respondent, Atlantic City Electric Company

BY THE BOARD:

On April 11, 2011, RIPAC, LLC, d/b/a Ripley's Believe it or Not ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Atlantic City Electric Company ("Respondent") for utility services rendered by Respondent.

After the filing of Respondent's answer, the Board transmitted this matter to the Office of Administrative Law ("OAL") for hearing and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. This matter was assigned to Administrative Law Judge ("ALJ") Damon G. Tyner.

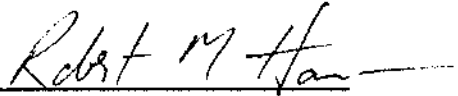
While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Settlement Agreement ("Settlement") that was submitted to the ALJ. By Initial Decision issued on November 5, 2012, and submitted to the Board on November 14, 2012, to which the Settlement was attached and made part thereof, ALJ Tyner found that the Settlement was voluntary, that its terms fully disposed of all issues in controversy and that it satisfied the requirements of N.J.A.C. 1:1-19.1. Pursuant to the terms of the Settlement, and in order to fully resolve this matter, the parties have agreed that during the nine-month period in which Respondent believed that the meter at Petitioner's premises was only partially registering consumption and, therefore, billed Petitioner an additional \$11,421.89, Respondent will adjust the amount owed by Petitioner to \$3,750.00, which Petitioner shall pay to Respondent in nine, monthly installments.

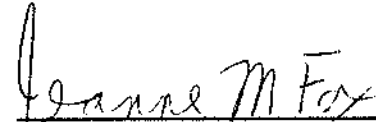
After review of the record and the Settlement of the parties, the Board HEREBY FINDS that the parties have voluntarily agreed to the Settlement as evidenced by their signatures and that by the terms of the Settlement, have fully resolved all outstanding contested issues in this matter.

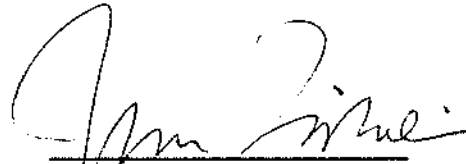
Accordingly, the Board HEREBY ADOPTS the Initial Decision and the Settlement executed by the parties in their entirety as if fully set forth herein.


DATED: 12/19/12

BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER


NICHOLAS ASSELTA
COMMISSIONER


MARY-ANNA HOLDEN
COMMISSIONER

ATTEST:

KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities


RIPAC, LLC, D/B/A RIPLEY'S BELIEVE IT OR NOT

V.

ATLANTIC CITY ELECTRIC COMPANY

BPU DOCKET NO. EC11040209U
OAL DOCKET NO. PUC6281-11

SERVICE LIST

Edward O. Lind, III, Esq.
Hank N. Rovillard, Esq., LLC
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Renee E. Suglia, Esq.
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Ayelet Hirschorn, DAG
Division of Law
124 Halsey Street – P.O. Box 45029
Newark, New Jersey 07101

for D 11/15/12

REC'D

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NJ BPU
CASE MANAGEMENT



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

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NJ BPU
MAILROOM

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 6281-11

AGENCY REF. NO. EC10040209U

RIPAC, LLC, D/B/A RIPLEY'S

BELIEVE IT OR NOT,

Petitioner,

v.

ATLANTIC CITY ELECTRIC COMPANY,

Respondent.

Edward O. Lind, III, Esq., for petitioner (Hank N. Rovillard, Esq., attorney)

Renee E. Suglia, Esq., for respondent

Record Closed: November 5, 2012

Decided: November 5, 2012

BEFORE **DAMON G. TYNER, ALJ:**

This matter was transmitted to the Office of Administrative Law on June 1, 2011, for determination as a contested case, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13.

The parties have agreed to a settlement and have prepared a Settlement Agreement indicating the terms thereof, which is attached and fully incorporated herein.

I have reviewed the record and the terms of settlement and I **FIND**:

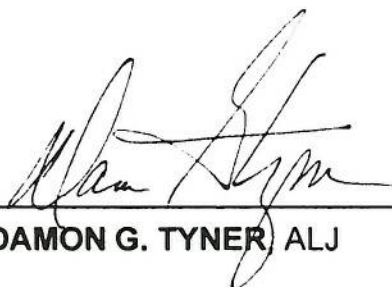
1. The parties have voluntarily agreed to the settlement as evidenced by their signatures or their representatives' signatures, and as placed on the record on November 5, 2012.
2. The settlement fully disposes of all issues in controversy and is consistent with the law.

I **CONCLUDE** that this agreement meets the requirements of N.J.A.C. 1:1-19.1 and that the settlement should be approved. I approve the settlement and therefore **ORDER** that the parties comply with the settlement terms and that these proceedings be concluded.

I hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

This recommended decision may be adopted, modified or rejected by the **BOARD OF PUBLIC UTILITIES**, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

November 5, 2012
DATE



DAMON G. TYNER, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

11/9/12

/sd

<p>RIPAC, LLC,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ATLANTIC CITY ELECTRIC CO.,</p> <p style="text-align: center;">Respondent.</p>	<p>STATE OF NEW JERSEY OFFICE OF ADMINISTRATIVE LAW</p> <p>AGENCY DKT. NO. EC11040209U</p> <p>OAL DKT. NO. PUC 6281-11</p>
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SETTLEMENT AGREEMENT

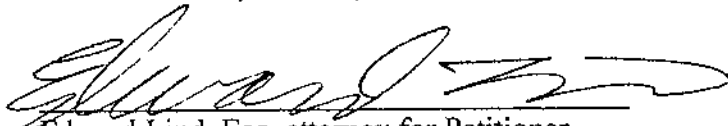
IT IS ON THIS 5th DAY OF NOVEMBER, 2012, SET FORTH AS FOLLOWS:

WHEREAS:

1. Respondent, Atlantic City Electric Company ("ACE") is a regulated public utility in the State of New Jersey.
2. Petitioner, RIPAC, LLC d/b/a Ripley's Believe It or Not ("Petitioner"), is a customer of ACE at 1441 Boardwalk, Atlantic City, New Jersey.
3. The meter at Petitioner's premises for Account #1295 [REDACTED] was partially registering consumption for a period of nine (9) months from January 2009 through September of 2009 and Respondent submits that Petitioner was not properly billed for electric consumption over that 9 month period.
4. ACE adjusted Petitioner's account and billed Petitioner an additional \$11,421.89 for that 9 month period (the "adjustment").
5. This matter is scheduled for trial on November 5, 2012.
6. In order to settle this matter amicably with Petitioner and in consideration of the defenses presented, ACE and Petitioner agree as follows:
 - a. ACE will reduce the adjustment amount to \$3,750.00 such that that will be the only additional amount Petitioner is billed for the period from January 2009 through September 2009.
 - b. Petitioner will pay ACE the \$3750 in nine monthly installments.

We agree to the above in form and substance.

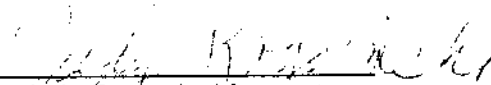
PETITIONER, RIPAC, LLC D/B/A RIPLEY'S BELIEVE IT OR NOT



Edward Lind, Esq, attorney for Petitioner

DATED:

ATLANTIC CITY ELECTRIC COMPANY

By: 

Judy Rogozinski
Senior Analyst
5 Collins Dr.
Carneys Point, NJ 08069
(856) 351-7812